

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

NEIL SCOTT,

Plaintiff,

Case No. 2:21-cv-01473-RFB-DJA

ORDER

V.

MERRICK GARLAND *et al.*,

Defendants.

12 Plaintiff filed the Complaint in this matter on August 9, 2021. ECF No. 1. Plaintiff seeks
13 to pursue an action against United States Attorney General Merrick Garland and Nevada Secretary
14 of State Barbara Cegavske. Plaintiff asserts that federal jurisdiction is proper because he brings
15 claims pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403
16 U.S. 388 (1971), and 42 U.S.C. § 1983. Plaintiff's Complaint boils down to one theory – that under
17 the United States Constitution and the Voting Rights Act and Civil Rights Act, Plaintiff is entitled
18 to vote for the President and Vice President of the United States separately, rather than on the same
19 ticket. Plaintiff seeks the following relief: “to have political parties that receive tax-payer funds
20 have a two-track nomination process for President and Vice President,” and “to have the federal
21 presidential and vice-presidential election ballot printed according to constitutional offices and not
22 by political party.”

23 “Federal courts are required *sua sponte* to examine jurisdictional issues such as standing.”
24 B.C. Plumas Unified Sch. Dist., 192 F.3d 1260, 1264 (9th Cir. 1999); see also Fed. R. Civ. P.
25 12(h)(3) (“Whenever it appears by suggestion of the parties or otherwise that the court lacks
26 jurisdiction of the subject matter, the court shall dismiss the action.”). “The standing requirements
27 of Article III are familiar. A plaintiff must show that (1) he or she has suffered a ‘concrete and
28 particularized’ injury to a cognizable interest, (2) which is ‘fairly traceable to the challenged action

1 of the defendant' and (3) which likely can be redressed by a favorable decision." Nat'l Council of
2 La Raza v. Cegavske, 800 F.3d 1032, 1039 (9th Cir. 2015) (quoting Bennett v. Spear, 520 U.S.
3 154, 167 (1997). The Court finds that Plaintiff lacks standing to pursue the requested relief. The
4 injury that Plaintiff asserts is purported "post-traumatic stress [from] seeing the President rally a
5 mob against the Vice President." The Court finds that Plaintiff has failed to assert any concrete
6 and particularized injury to any cognizable interest. Moreover, Plaintiff does not allege how the
7 asserted injury is attributable to the actions of either Merrick Garland or Barbara Cegavske.
8 Furthermore, it is well-established that an asserted injury must be of individual concern, rather
9 than of general interest common to all members of the public. See United States v. Richardson,
10 418 U.S. 166, 176-77 (1974). Plaintiff's Complaint – which is premised on the notion that
11 members of the American public have constitutional and statutory rights to vote for presidential
12 and vice-presidential candidates of different parties and on different tickets – asserts only a
13 generalized grievance, as opposed to a personal injury. Because Plaintiff lacks standing to pursue
14 the relief requested, the Court finds that it lacks jurisdiction and dismisses the case with prejudice,
15 as amendment would be futile.

16 **IT IS THEREFORE ORDERED** that the case is dismissed with prejudice. The Clerk of
17 the Court is instructed to close this case.

18
19

20 DATED: August 9, 2022

21
22

23 
24 **RICHARD F. BOULWARE, II**
25 **UNITED STATES DISTRICT JUDGE**

26
27
28